

FCC MAIL SECTION

Before the

Federal Communications Commission

Washington, DC 20554

Aug 29 1 58 PM '00

FCC MAIL SECTION

Aug 30 9 41 AM '00

In the Matter of)

Request for Review of the)

Decision of the)

Universal Service Administrator by)

Rockdale Independent School District)

Rockdale, Texas)

File Nos. SLD-139132,

SLD-139138, SLD-146830,

SLD-146833, SLD-152287

Federal-State Joint Board on)

Universal Service)

CC Docket No. 96-45 ✓

Changes to the Board of Directors of the)

National Exchange Carrier Association, Inc.)

CC Docket No. 97-21

ORDER**Adopted: August 21, 2000****Released: August 22, 2000**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Letter of Appeal filed on April 24, 2000, by Rockdale Independent School District (Rockdale Independent), Rockdale, Texas, seeking review of decisions issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).¹ Rockdale Independent seeks review of SLD's refusal to consider Rockdale Independent's appeal to SLD on the ground that it was untimely filed. For the reasons set forth below, we deny in part and dismiss in part Rockdale Independent's appeal.

2. SLD issued a total of five Funding Commitment Decision Letters to Rockdale Independent—two on August 3, 1999 (SLD-139132 and SLD-139138), two on October 26, 1999 (SLD-152287 and SLD-146833), and one on November 2, 1999 (SLD-146830)—denying in part and granting in part Rockdale Independent's requests for discounted services under the schools and libraries universal service support mechanism.² On December 6, 1999, Rockdale

¹ Letter from David R. Sandell, Rockdale Independent School District District, to Federal Communications Commission, filed April 24, 2000 (Letter of Appeal).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Marcia J. Proctor, Rockdale Independent School District District, dated August 3, 1999 (regarding SLD-139132); letter from Schools and Libraries Division, Universal Service Administrative Company, to Marcia J. Proctor, Rockdale Independent School District, dated August 3, 1999 (regarding SLD-139138); letter from Schools and Libraries Division, Universal Service Administrative Company, to Marcia J. Proctor, Rockdale Independent School District, dated

Independent filed with SLD an appeal of the five Funding Commitment Decision Letters, disputing the discount level approved by SLD.³ On March 25, 2000, SLD issued four Administrator's Decisions on Appeal indicating that it would not consider Rockdale Independent's appeals of four of the funding commitment decisions because the appeals were received more than 30 days after the Funding Commitment Decision Letters were issued.⁴ On April 24, 2000, Rockdale Independent filed with the Commission the instant Letter of Appeal, which seeks review of all five funding commitment decisions. On June 16, 2000, SLD issued an Administrator's Decisions on Appeal approving in full Rockdale Independent's appeal regarding the one funding commitment decision that it did not address in its March 25 Administrator's Decisions on Appeal.⁵

3. Under section 54.720 of the Commission's rules, an appeal must be filed with the Commission or SLD within 30 days of the issuance of the decision as to which review is sought.⁶ Documents are considered to be filed with the Commission or SLD only upon receipt.⁷ The 30-day deadline contained in section 54.720 of the Commission's rules applies to all requests for review filed by a party affected by a decision issued by the Administrator. Because Rockdale Independent failed to file an appeal of the four Funding Commitment Decision Letters (SLD-139132, SLD-139138, SLD-152287, and SLD-146833) within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Rockdale Independent's appeals to SLD as untimely and deny the instant Letter of Appeal with respect to those four Funding Commitment Decision Letters. We dismiss as moot Rockdale Independent's Letter of Appeal to the extent it addresses

October 26, 1999 (regarding SLD-152287); letter from Schools and Libraries Division, Universal Service Administrative Company, to Marcia J. Proctor, Rockdale Independent School District, dated October 26, 1999 (regarding SLD-146833); letter from Schools and Libraries Division, Universal Service Administrative Company, to Marcia J. Proctor, Rockdale Independent School District, dated October 26, 1999 (regarding SLD-152287); letter from Schools and Libraries Division, Universal Service Administrative Company, to Marcia J. Proctor, Rockdale Independent School District, dated November 2, 1999 (regarding SLD-146830) (Funding Commitment Decision Letters).

³ Letter from Marcia J. Proctor, Rockdale Independent School District, to Schools and Libraries Division, Universal Service Administrative Company, filed December 6, 1999.

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Marcia J. Proctor, Rockdale Independent School District, dated March 25, 2000 (regarding SLD-139138); letter from Schools and Libraries Division, Universal Service Administrative Company, to Marcia J. Proctor, Rockdale Independent School District, dated March 25, 2000 (regarding SLD-139132); letter from Schools and Libraries Division, Universal Service Administrative Company, to Marcia J. Proctor, Rockdale Independent School District, dated December 21, 1999 (regarding SLD-152287); letter from Schools and Libraries Division, Universal Service Administrative Company, to Marcia J. Proctor, Rockdale Independent School District, dated March 24, 2000 (regarding SLD-146833); letter from Schools and Libraries Division, Universal Service Administrative Company, to Marcia J. Proctor, Rockdale Independent School District, dated June 16, 2000 (regarding SLD-146830) (Administrator's Decisions on Appeal).

⁵ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Marcia J. Proctor, Rockdale Independent School District, dated June 16, 2000 (regarding SLD-146830).

⁶ 47 C.F.R. § 54.720.

⁷ 47 C.F.R. § 1.7.

the funding commitment decision (SLD-146830) that SLD resolved in Rockdale Independent's favor.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Letter of Appeal filed by Rockdale Independent School District, Rockdale, Texas on April 24, 2000, IS DENIED, with respect to SLD-139132, SLD-139138, SLD-152287, SLD-146833, and IS DISMISSED, with respect to SLD-146830.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read 'Sharon L. Webber', is positioned above the printed name.

Sharon L. Webber
Deputy Chief, Accounting Policy Division
Common Carrier Bureau